

Introduced by Senator Corbett

February 21, 2014

An act to amend Sections 2815 and 21100 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1287, as introduced, Corbett. Vehicles: Washington Township Health Care District crossing guards.

The Local Health Care District Law authorizes the organization, incorporation, and management of health care districts that are permitted to exercise specified powers, including, among others, to do any and all things that an individual might do that are necessary for, and to the advantage of, a health care facility and a nurses' training school, or a child care facility for the benefit of employees of the health care facility or residents of the district.

Existing law also authorizes local authorities to adopt rules and regulations by ordinance or resolution regarding specified matters, including, among other things, appointing nonstudent school crossing guards for the protection of persons who are crossing a street or highway in the vicinity of a school or while returning thereafter to a place of safety.

Under existing law, a person who disregards a traffic signal or direction given by those crossing guards is guilty of an infraction, and subject to fines ranging from not less than \$50 for a first conviction to not more than \$500 for a 3rd or subsequent conviction within a 2-year period. In addition to those fines, a court may order the Department of Motor Vehicles to suspend the driver's license of a person convicted

of a 3rd or subsequent violation of those provisions within a period of 2 years for up to 30 days.

This bill would, notwithstanding any other law, additionally authorize the Washington Township Health Care District to appoint a health care district crossing guard to provide for the protection of persons who are crossing a street or highway within 1,000 feet of an emergency room, emergency department, or trauma center located within that health care district or while returning thereafter to a place of safety. The bill would provide that disregarding a traffic signal or direction given by a Washington Township Health Care District crossing guard is an infraction, punishable as described above. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Washington Township Health Care District.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2815 of the Vehicle Code is amended to
2 read:
3 2815. ~~Any~~(a) A person who ~~shall disregard~~ *disregards* any
4 traffic signal or direction given by a nonstudent school crossing
5 guard, appointed pursuant to Section 21100, or authorized by any
6 city police department, any board of supervisors of a county, or
7 the Department of the California Highway Patrol, when the guard
8 is wearing the official insignia of such a school crossing guard,
9 and when in the course of the guard's duties the guard is protecting
10 any person in crossing a street or highway in the vicinity of a
11 school or while returning thereafter to a place of safety, shall be
12 guilty of an infraction and subject to the penalties provided in
13 Section 42001.1.

1 ***(b) A person who disregards any traffic signal or direction given***
2 ***by a Washington Township Health Care District crossing guard,***
3 ***appointed pursuant to Section 21100, when the guard is wearing***
4 ***the official insignia of a Washington Township Health Care District***
5 ***crossing guard, and when in the course of the guard's duties the***
6 ***guard is protecting any person in crossing a street or highway***
7 ***within 1,000 feet of an emergency room, emergency department,***
8 ***or trauma center located within that health care district or while***
9 ***returning thereafter to a place of safety, shall be guilty of an***
10 ***infraction and subject to the penalties provided in Section 42001.1.***

11 SEC. 2. Section 21100 of the Vehicle Code is amended to read:

12 21100. Local authorities may adopt rules and regulations by
13 ordinance or resolution regarding all of the following matters:

14 (a) Regulating or prohibiting processions or assemblages on the
15 highways.

16 (b) Licensing and regulating the operation of vehicles for hire
17 and drivers of passenger vehicles for hire.

18 (c) Regulating traffic by means of traffic officers.

19 (d) Regulating traffic by means of official traffic control devices
20 meeting the requirements of Section 21400.

21 (e) (1) Regulating traffic by means of a person given temporary
22 or permanent appointment for that duty by the local authority when
23 official traffic control devices are disabled or otherwise inoperable,
24 at the scenes of accidents or disasters, or at locations as may require
25 traffic direction for orderly traffic flow.

26 (2) A person shall not be appointed pursuant to this subdivision
27 unless and until the local authority has submitted to the
28 commissioner or to the chief law enforcement officer exercising
29 jurisdiction in the enforcement of traffic laws within the area in
30 which the person is to perform the duty, for review, a proposed
31 program of instruction for the training of a person for that duty,
32 and unless and until the commissioner or other chief law
33 enforcement officer approves the proposed program. The
34 commissioner or other chief law enforcement officer shall approve
35 a proposed program if he or she reasonably determines that the
36 program will provide sufficient training for persons assigned to
37 perform the duty described in this subdivision.

38 (f) Regulating traffic at the site of road or street construction or
39 maintenance by persons authorized for that duty by the local
40 authority.

(g) (1) Licensing and regulating the operation of tow truck service or tow truck drivers whose principal place of business or employment is within the jurisdiction of the local authority, excepting the operation and operators of any auto dismantlers' tow vehicle licensed under Section 11505 or any tow truck operated by a repossessing agency licensed under Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code and its registered employees.

(2) The Legislature finds that the safety and welfare of the general public is promoted by permitting local authorities to regulate tow truck service companies and operators by requiring licensure, insurance, and proper training in the safe operation of towing equipment, thereby ensuring against towing mistakes that may lead to violent confrontation, stranding motorists in dangerous situations, impeding the expedited vehicle recovery, and wasting state and local law enforcement's limited resources.

(3) This subdivision does not limit the authority of a city or city and county pursuant to Section 12111.

(h) Operation of bicycles, and, as specified in Section 21114.5, electric carts by physically disabled persons, or persons 50 years of age or older, on public sidewalks.

(i) (1) Providing for the appointment of nonstudent school crossing guards for the protection of persons who are crossing a street or highway in the vicinity of a school or while returning thereafter to a place of safety.

(2) *Notwithstanding any other law, the Washington Township Health Care District, organized and governed pursuant to the Local Health Care District Law (Division 23 (commencing with Section 32000) of the Health and Safety Code), may appoint a health care district crossing guard to provide for the protection of persons who are crossing a street or highway within 1,000 feet of an emergency room, emergency department, or trauma center located within that health care district or while returning thereafter to a place of safety.*

(j) Regulating the methods of deposit of garbage and refuse in streets and highways for collection by the local authority or by any person authorized by the local authority.

(k) (1) Regulating cruising.

(2) The ordinance or resolution adopted pursuant to this subdivision shall regulate cruising, which is the repetitive driving

1 of a motor vehicle past a traffic control point in traffic that is
2 congested at or near the traffic control point, as determined by the
3 ranking peace officer on duty within the affected area, within a
4 specified time period and after the vehicle operator has been given
5 an adequate written notice that further driving past the control
6 point will be a violation of the ordinance or resolution.

7 (3) A person is not in violation of an ordinance or resolution
8 adopted pursuant to this subdivision unless both of the following
9 apply:

10 (A) That person has been given the written notice on a previous
11 driving trip past the control point and then again passes the control
12 point in that same time interval.

13 (B) The beginning and end of the portion of the street subject
14 to cruising controls are clearly identified by signs that briefly and
15 clearly state the appropriate provisions of this subdivision and the
16 local ordinance or resolution on cruising.

17 (l) Regulating or authorizing the removal by peace officers of
18 vehicles unlawfully parked in a fire lane, as described in Section
19 22500.1, on private property. A removal pursuant to this
20 subdivision shall be consistent, to the extent possible, with the
21 procedures for removal and storage set forth in Chapter 10
22 (commencing with Section 22650).

23 (m) Regulating mobile billboard advertising displays, as defined
24 in Section 395.5, including the establishment of penalties, which
25 may include, but are not limited to, removal of the mobile billboard
26 advertising display, civil penalties, and misdemeanor criminal
27 penalties, for a violation of the ordinance or resolution. The
28 ordinance or resolution may establish a minimum distance that a
29 mobile billboard advertising display shall be moved after a
30 specified time period.

31 (n) Licensing and regulating the operation of pedicabs for hire,
32 as defined in Section 467.5, and operators of pedicabs for hire,
33 including requiring one or more of the following documents:

34 (1) A valid California driver's license.

35 (2) Proof of successful completion of a bicycle safety training
36 course certified by the League of American Bicyclists or an
37 equivalent organization as determined by the local authority.

38 (3) A valid California identification card and proof of successful
39 completion of the written portion of the California driver's license
40 examination administered by the department. The department shall

1 administer, without charging a fee, the original driver's license
2 written examination on traffic laws and signs to a person who
3 states that he or she is, or intends to become, a pedicab operator,
4 and who holds a valid California identification card or has
5 successfully completed an application for a California identification
6 card. If the person achieves a passing score on the examination,
7 the department shall issue a certificate of successful completion
8 of the examination, bearing the person's name and identification
9 card number. The certificate shall not serve in lieu of successful
10 completion of the required examination administered as part of
11 any subsequent application for a driver's license. The department
12 is not required to enter the results of the examination into the
13 computerized record of the person's identification card or otherwise
14 retain a record of the examination or results.

15 (o) (1) This section does not authorize a local authority to enact
16 or enforce an ordinance or resolution that establishes a violation
17 if a violation for the same or similar conduct is provided in this
18 code, nor does it authorize a local authority to enact or enforce an
19 ordinance or resolution that assesses a fine, penalty, assessment,
20 or fee for a violation if a fine, penalty, assessment, or fee for a
21 violation involving the same or similar conduct is provided in this
22 code.

23 (2) This section does not preclude a local authority from enacting
24 parking ordinances pursuant to existing authority in Chapter 9
25 (commencing with Section 22500) of Division 11.

26 (p) (1) Regulating advertising signs on motor vehicles parked
27 or left standing upon a public street. The ordinance or resolution
28 may establish a minimum distance that the advertising sign shall
29 be moved after a specified time period.

30 (2) Paragraph (1) does not apply to any of the following:

31 (A) Advertising signs that are permanently affixed to the body
32 of, an integral part of, or a fixture of a motor vehicle for permanent
33 decoration, identification, or display and that do not extend beyond
34 the overall length, width, or height of the vehicle.

35 (B) If the license plate frame is installed in compliance with
36 Section 5201, paper advertisements issued by a dealer contained
37 within that license plate frame or any advertisements on that license
38 plate frame.

39 (3) As used in paragraph (2), "permanently affixed" means any
40 of the following:

1 (A) Painted directly on the body of a motor vehicle.

2 (B) Applied as a decal on the body of a motor vehicle.

3 (C) Placed in a location on the body of a motor vehicle that was
4 specifically designed by a vehicle manufacturer as defined in
5 Section 672 and licensed pursuant to Section 11701, in compliance
6 with both state and federal law or guidelines, for the express
7 purpose of containing an advertising sign.

8 SEC. 3. The Legislature finds and declares that a special law
9 is necessary and that a general law cannot be made applicable
10 within the meaning of Section 16 of Article IV of the California
11 Constitution because of the numerous pedestrian accidents that
12 have occurred at the crosswalk on Civic Center Drive linking the
13 Washington Township Health Care District campuses, and the
14 need to protect patients, employees, and other pedestrians at that
15 intersection from the threat of serious injury as a result of being
16 struck by a vehicle.

17 SEC. 4. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

26 SEC. 5. This act is an urgency statute necessary for the
27 immediate preservation of the public peace, health, or safety within
28 the meaning of Article IV of the Constitution and shall go into
29 immediate effect. The facts constituting the necessity are:

30 In order to protect patients, employees, and other pedestrians in
31 the Washington Township Health Care District from the immediate
32 threat posed by traffic conditions at the crosswalk on Civic Center
33 Drive linking the Washington Township Health Care District
34 campuses, where recent collisions have resulted in multiple serious
35 injuries, it is necessary that this act take effect immediately.